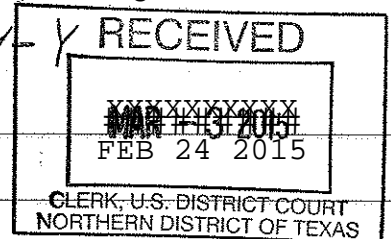


Case NO. 4:14-CR-74-Y
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Dear Terry R. Means



It is the 9th of Feb and I ~~Jonathan~~ "Jonathan Daniel Kutej" am setting in a segregation cell at FCI Fort Worth. I Received my copy of the PSR that I am supposed to make objections to, on the evening of Wed the 4th and was pulled from my cell on the morning of Thurs the 5th along with two other guys and informed that we were going to seg because the day before 30 or 40 guys gathered around Goldsby are counselor and were voicing concerns about a guard that was being extremely disrespectfull to everyone cussing and ~~scre~~ screaming at all the inmates. We were simply looking to him for answers to the persisting daily abuse. The guard "Ms Madrid" wasn't even in the Unit to witness, the group gather up and start speaking to Goldsby until the very end when she walked up with the same attitude ~~tot~~ and told some of us to shut up. Then decided to pick 3 of us as the inmates that initiated a so called mob, yet when I walked up there were already about 20 guy's already talking to Goldsby. Goldsby then told us it was time for chow and this very peaceful group dispersed without a problem at all.

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Untill the next morning when we were pulled out of our cells and informed of this alligation of leading a mob which was ~~no~~ nothing more than retaliation to us complaining. This is nothing new coming from her in the last two weeks 30 people have gotten thrown in seg. She has also continuously harrassed me I believe because the nature of my charge. I am telling you this for two reasons. One in case the prosecution trys to use this against me in sentencing, I wanted to come clean of this and make clear my side first. Two Because of the constant harrassment, depression, and anxiety. I had a complete and total melt down bad enough that I had to be put on suicide watch for two days then I was moved to seg Sat the 7th. I'm still in seg and I just recieved my legal work today, most importantly my PSR that I have barely had time to read. I do realize that the deadline for these objections is the 11th. After reading the PSR "all 115 points" I realize that almost every single one of them has something wrong with it. That and the fact that I am in seg with no contact other than regular mail to any resources inside or outside that can help me including Warren et. John who a recently learned

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is in the middle of his Chris Kyle trial which is the reason I received no help and had no defense whatsoever, whom I have requested to help me, in a letter with no response. My mother who has been the only person to really help with my case, that I can't call or email to help me with statements, evidence and/or witnesses for my defense.

My mental health that has been very bad for years but has done nothing but decline during this whole process especially months prior to trial, during trial and since trial because of the helplessness and hopelessness I have felt due to my dealings with or lack of dealings with lawyers. I have sought help from every resource there is here, including, psychology Psychiatry and talking to our counselor. I have been talking to psychology regularly since I have been here "Since 4-15-14"

which has helped but hasn't been even close to enough. Basically between the experiences I have had with the 3 lawyers I have dealt with William Hermismyer, Mike Hieskel, and Warren St. John and the ~~lies~~ lies, deception, trickery and blatant disregard for any of my requests, Rights and/or questions and the harassment bullying and threats I have endured here for almost a year by the

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inmates and guards. The already severe mental problems, PTSD, Paranoia, extreme anxiety, depression etc, due to the head injury that I incurred. That is responsible for the extremely severe debilitating Cluster Headaches that have plagued me for the past 13 yrs. Which by the way I just got over a month and a half long Cluster of these headaches every night 3 to 6 times a night. As if all this wasn't enough I was backed against a wall and forced to decide whether to have no defense at all and no voice of my own to defend myself or take it upon myself to at least make an effort to defend myself. I was, absolutely scared to death, terrified, even had a complete and total meltdown! Break down the Friday night I was brought back to FCI with three days to prepare for trial. They even had to call in psych to talk to me at midnight because I was hysterical. My decision to defend myself was not an easy one and not at all one I wanted to make. I did not and do not want to do this all by myself. All I wanted and want is Help, help me fully to

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be a better man, father, and son and help with this case and these charges. Somebody that will actually do what they say they are going to do and listen to what I have to say. Unlike William Hermismier who on our first meeting that we should let the indictment happen but then come back a few days later and said he had changed his mind that we should extend the time for indictment because. He needed time to "work" also told me he was going to work on getting the charges lowered which he didn't do or try to do and that he was going to get me a psych eval to show state of mind at the time of the alleged crime he didn't and stated he didn't have time to do it. I asked him what he did do and he said that he had talked to the DA and she really didn't like me. He had also stated prior to the extension that he was sure that we could get the charges lowered. Then he came back early April and said do to evidence the DA has now there is no way she will lower the charges and is threatening to add charges if I don't plea guilty pre indictment. I was very angry at Hermismier and asked him

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why he extended time to indict. He said so he could work on things "I assumed he meant my case" I asked What things and stated he had done nothing he said he would do at all except give the DA more time to screw me over. I said let me guess you needed time to work on your other cases. He said yes he did, he had alot of cases and it wasn't like I was going anywhere anyway. I said wait a minute. I'm innocent until proven guilty he said "no your not we have a 98% conviction rate, you are precieved to be guilty" I was shocked that my lawyer said that. I realized crystal clear that the extension wasn't in my best interest at all. The extension was so the prosecution had more time to build a case for an indictment and for Hermismier to work on his heavy case load. I trusted him to act in my best interest, which I should have been able to trust my counsel to act ~~in~~ in my best interest. So he had completely lied to me and decieved ~~to~~ me. This was my first experience with a court appointed Attornie. He was also Bcaring and coercing my family by lying to them, to get

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them to persuade me to plea guilty to something I had already told him I didn't do. After that I talked to my mother about all of these things and that I didn't trust him at all and that he wasn't working for me at all. Also told her that I was firing him no matter what she told me to wait on that because she was looking into hiring a lawyer. The next meeting I had with him he came in and was telling me if I didn't plea guilty they were going to add charges and they could give me sixty years. It was all threats to me. I told him my mother was trying to hire a lawyer and that I was very upset and disappointed how he had handled my case and treated me like I didn't matter. Told him it didn't matter if she got a lawyer or not that I was done with him and that he was fired, he tried to tell me I couldn't fire him once again, more lies. So I did fire him, I told him I was appalled at the way he had treated me and my family. He told me he wanted me to talk to his boss. I told him that I had nothing to say to his boss and nothing else to say to him, got up and called for a guard.

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Mom did hire a lawyer, Mike Hieske, he came to see me explained the contract and I signed. Then three days later he came to see me again with a plea agreement let me read it while he played on his phone.

After reading I said what do you want me to do with this he was surprised and said, I thought you were going to plea guilty. I said no I never said that to you. He said he talked to my previous lawyer Hermismier where he had told Hieske that I was going to plea pre indictment. That conversation should have never happened between them. Hermismier shouldn't have been talking to anybody without my written consent. So then Hieske tells me that I can't take it to trial.

Then that I can't afford him and that he only took my case because Hermismier told him I was going to plea guilty. He told me he wanted to resign but wasn't sure if he could. Then he also started telling my family I had to plea and was scaring them which caused us a lot of stress especially after dealing with Hermismier. When he couldn't get me to plea guilty he changed tactics and tried to tell me I was incompetent to stand trial because I thought

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I had a defense. All I could think is that he was trying to get me locked up in a looney bin so he would keep getting his money. I told him I did want a psych eval for the time of the alleged crime because I was blacked out and had no memory of it. He said that was crazy and said he needed to talk to Goldsby, for a minute, got up, walked out and I never saw him again. I found out from my mom that he had resigned from my case. So because of Hermismier talking to Hiestel my family lost \$11,000 to Hiestel if Hermismier hadn't lied to him he never would have taken my case under false pretenses he really put us both in a very bad position. Then Hermismier was reappointed and immediately filed for a continuance without my consent. Then I immediately wrote a letter to you, to again fire him. And a letter to his boss. Then Warren St. John was appointed. Who seemed he would good and helpful. He came up here to FCI twice to talk to me. The first was a meet and greet. I told him the whole story including me blacking out he pointed at the knowing and willingly part of my indictment and said that was

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our defense. I told him about having a lot of issues, mental issues at the time. The fact that I had gone off the deep end after my grandmother died and her mother died and a buddy of mine killed himself among other things. I told him I wanted a psych eval and he agreed. The second time I saw him was a little disappointing because it was pretty much a rehash of the first time like we had just started over and he hadn't been doing anything with my case. I had to reexplain everything I said the first time so I met with him 2 times during that 90 day continuance with him knowing that I had no intentions of pleading guilty. Sep 5 was the third meeting to preview the so called evidence that I briefly viewed at the court house. I told him to get a continuance because there was no way we were ready for a trial and he told me he would come see me in a couple days to talk about the evidence we had viewed and made me feel like he and the investigator he hired were in a hurry and about to go to Granbury and get things we needed but once again he was tricking me making it

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Look like he was in a hurry to leave. I also told him all about me being arrested illegally and searched illegally and phone taken illegally and multiple other problems in my case which he also acted like he was going to do something about, but didn't other than the motion to suppress that he filed that had nothing to do with the real reasons that the evidence should have been suppressed. I called him and wrote him I even wrote him a 42 page letter about what I wanted.

All I got from him was a letter saying he got the continuance and to write him with any questions that I had. He never came to see me. We never discussed the evidence that I viewed. I wrote him a letter of questions and got no return, my mother was trying to call him, emailing him with no avail I was getting extremely frustrated and scared because we were running out of time. My mother was relaying my concerns to him because he wouldn't answer anything from me. He told me he was going to do a number of things like the things he stated in his Motion to Appoint Private Investigator, Document 54, Warren St. John did nothing in my case and neither did

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the investigator. My mother did more than they did and collected more evidence. There were a number of pretrial motions that needed to be filed some of which I attempted to file at trial, that I was not allowed to read into the record even though I was told I would be given a chance to do so. I was obviously attempting to use a temporary insanity plea defense but little did I know that Warren St. John would have had to notify the prosecution and the court of the intent to use such a defense and request a psych eval well in advance of trial which did not get done so obviously Warren lied to me and did not even intend on using this as a defense. All of these things were detrimental to my case and contributed to my extreme stress and lack of a defense. I believe the reason Warren St. John did nothing in my case partly because of prosecutions hatred hatred for me which Hermismier and Hieskel both told me she said the same extremely judgemental and derogatory comments about me, which I don't understand.

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and the fact that Warren was and is working on a very high profile case which is in trial right now. The Chriss Kyle case which I know has taking up all his time. This is completely unfair to me to be treated like this because my case isn't a high profile case. I've kept up with his case a little and it seems he has one hell of a defense while I have had absolutely none. I can see exactly why I never saw him and he did nothing to even try and help me. There is no possible way Warren could have been even close to prepared to present any kind of defense and obviously had no intentions of it. No N of the pretrial issues were addressed we never talked about the evidence, didn't interview any of the witnesses, didn't collect any of the states documents that were very important. Didn't collect any of the evidence in my defense that was necessary and when I had my mother tell him to file for another continuance 2 weeks before trial he refused. It's an extremely sick feeling to be on this side of things with absolutely no confidence in your lawyer and feeling like you are being screwed

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around every corner you turn. All of this is the reason I was scared depressed stressed and forced to defend myself because I was convinced nobody else would. I have come to the realization that I can't do all this myself and that I need help and especially being in here, I can't do this myself. I do not trust Warren St. John to help me even though I have wrote him a letter asking for help with no response and he is obviously busy and unable to help due to his all important trial. Because of all this I am requesting:

1. Counsel that will actually work with me at least through the sentencing process and hopefully through appeals also.
2. More time to object to the PSR hopefully with the help of new Counsel.
3. A psych eval to encompass all stages including, Temporary insanity "time of offense", competency to stand trial and sentencing. To show unlikely hood of future offense.

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I very much appreciate your
concederation in this matter
and pray for a swift remedy.

Thanks

God Bless

~~Jonathan Daniel Kutej~~

Jonathan Daniel Kutej

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FT. WORTH DIVISION
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Institution

Judge Terry R. Means
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Room 310 Fort Worth
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